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BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Application Number: 10/020,398
Filing Date: December 12, 2001
Appellant(s): STANLEY, RANDY P.

Timothy N. Trop (Reg. No.28,994)
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed on 8/28/2006 appealing from the Office action mailed 5/22/2006.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

5,878,218	MADDALOZZO	3-1999
6,205,475	PITTS	3-2001

6,374,289 DELANEY 4-2002

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 1-3, 8-15 and 18-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Delaney (U.S. Pat. No. 6,374,289) in view of Maddalozzo, Jr. et al., (U.S. Pat. No.5,878,218) (hereafter Maddalozzo).

As to claim 1, Delaney discloses an article comprising a medium storing instructions that enable a first processor-based system (Peer Client 20 of fig.1A) to:

set up an on-line meeting with a second processor-based system (Peer Client 22 of fig.1A) (Peer Client 20 connected to Peer Client 22 by an local network (14 fig.1A) using quires to determine if any peer client has a particular package, see fig.1A, col.4 line 66 to col.5 line 19).

receive first information from the second processor-based system (Peer Client 22 fig.1A), said first information, in connection with the on-line meeting, from a cache local to the first

processor-based system (if the Peer Client 22 has the desired data package including image data, then peer client 20 obtain the data package from Peer Client 22, see fig.1B, col.1 lines 17-34 and col.5 lines 19-41)

retrieve the previously second information (checking if the desired data package stored in the local cache, see col.5 lines 19-37) if the second information from the local cache coupled to said first processor-based system (Peer Client 20 of fig.1A) if the second information was locally cached [Peer Client transmitting the data package (cached data) from other Peer Client if the desired data package is available, see col.5 line 53 to col.6 line 43].

Delaney does not specifically disclose upon receipt of the image data, utilize received image data to determine whether the information for the image is already stored in a local cache and determining if it can locally acquire second information sufficient to display an image. However, Maddalozzo in the same network environment discloses upon receipt of the image data, utilize received image data to determine whether the information for the image is stored in a local cache and determining if it can locally acquire second information sufficient to display an image (see abstract, fig.5C, col.9 lines 4-60 and col.11 line 42 to col.12 line 58). It would have been obvious to one of the ordinary skill in the art at the time the invention was made to implement Maddalozzo's teachings into the computer system of Delaney to identify the common cache of the requested data file because it would have allowed users to access the most recent version of the requested data file that has been downloaded into a private network from a source external to the private network (see Maddalozzo's col.6 line 59 to col.7 line 12).

As to claim 2, Delaney discloses storing instructions that enable a first processor-based system to receive first information including an image identifier [each data package (including documents, images, messages, data packages or other types of data, see col.1 lines 16-35) having a unique identifier MD5, see col.6 lines 12-43].

As to claim 3, Delaney discloses storing instructions that enable a first processor-based system to determine whether the image identifier identifies locally cached second information (any peer client knows both the unique identifier and the location of the data package on the local network, that client can then proceed to download the data package, see col.6 lines 13-65 and col.7 lines 10-39).

As to claim 8, Delaney discloses storing instructions that enable a first processor-based system to complete the download of information from the second processor-based system if the second information is not locally cached (Client A downloading data package from Client B if the data package was not found in the local storage medium of Client A, see col.7 lines 10-61).

As to claim 9, Delaney discloses storing instructions that enable a first processor-based system to cache the downloaded information (using Peer Client A for downloading the data package to the local storage, see col.5 lines 19-41 and col.7 lines 10-61).

As to claim 10, Delaney discloses storing instructions that enable a first processor-based system to associate the cached information with an identifier information (any peer client knows both

the unique identifier and the location of the data package on the local network, that client can then proceed to download the data package, see col.6 lines 13-65 and col.7 lines 10-39).

As to claim 11, Delaney discloses storing instructions that enables a first processor based system to associate the cached information with an identifier included with said data (each data package has an unique identifier and the location of the data package on the local network, see col.6 lines 13-65).

As to claim 12, Delaney discloses a processor-based system comprising:

a processor (Peer Client 20 fig.1A) and a data storage medium (local memory or disk cache associated with the Peer Client) coupled to said processor and storing instructions enabling said processor to set up an on-line meeting with a remote processor-based system (Peer Client 22 fig.1A) [Peer Client 20 connected to Peer Client 22 by an local network (14 fig.1A) using quires to determine if any peer client has a particular package sending quires to other peer clients to determine if any of them has a particular package and obtaining the desired data package if available, see fig.1A, col.4 line 66 to col.5 line 19].

receive data from the remote processor-based system related to information to be transmitted (if the Peer Client 22 has the desired data package, then peer client 20 obtain the data package from Peer Client 22, see fig.1B, col.5 lines 19-41) and determine whether the information is already stored in a local cache coupled to said first processor before completing a download of the information (if the neighboring client has the required package, the requesting client will download this data package rather than from the external server, see col.4 lines 38-61

and col.5 lines 19-41), and retrieve the locally cached information to display an image on said processor-based system during the on-line meeting if the information was locally cached [Peer Client obtaining the data package (cached data) from other Peer Client if the desired data package is available, see col.5 line 53 to col.6 line 43].

Delaney does not specifically disclose determining if it can locally acquire second information sufficient to display an image. However, Maddalozzo in the same network environment discloses determining if it can locally acquire second information sufficient to display an image (see abstract, fig.5C, col.9 lines 4-60 and col.11 line 42 to col.12 line 58). It would have been obvious to one of the ordinary skill in the art at the time the invention was made to implement Maddalozzo's teachings into the computer system of Delaney to identify the common cache of the requested data file because it would have allowed users to access the most recent version of the requested data file that has been downloaded into a private network from a source external to the private network (see Maddalozzo's col.6 line 59 to col.7 line 12).

As to claim 13, Delaney discloses storing instructions enabling the processor to receive first data including an image identifier [each data package (including documents, images, messages, data packages or other types of data, see col.1 lines 16-35) having a unique identifier MD5, see col.6 lines 12-43].

As to claim 14, Delaney discloses that the data storage medium further storing instructions enabling the processor to determine whether the image identifier identifies locally cached second information (i.e., using hash tables containing information about data package, unique identifier

and the location of the data package on the local network to determine if a client can then proceed to download the data package, see col.6 lines 13-65 and col.7 lines 10-39).

As to claim 15, Delaney discloses that the data storage medium further stores instructions enabling the processor to receive a portion of a downloaded image, the portion to enable identification of locally cached information (determining if client "A" had already downloaded a larger portion of the required data package than client "B", transferring the data package from client "A" is more optimal and indicating a fraction of the data package already downloaded, see col.9 lines 15-61 and col.10 lines 36-67).

As to claim 18, Delaney discloses the data storage medium further stores instructions enabling the processor (Client A) to download information from the remote processor-based system (Client B) if the information is not locally cached (Client A downloading data package from Client B if the data package was not found in the local storage medium of Client A, see col.7 lines 10-61).

As to claim 19, Delaney discloses the data storage medium further stores instructions enabling the processor to cache the downloaded information (using Peer Client A for downloading the data package to the local storage, see col.5 lines 19-41 and col.7 lines 10-61).

As to claim 20, Delaney discloses that the data storage medium further stores instructions enabling the processor to associate the cached information with an identifier (any peer client

knows both the unique identifier and the location of the data package on the local network, that client can then proceed to download the data package, see col.6 lines 13-65 and col.7 lines 10-39).

As to claim 21, Delaney discloses the data storage medium further stores instructions enabling the processor to associate the cached information with an identifier included with said data (each data package has an unique identifier and the location of the data package on the local network, see col.6 lines 13-65).

As to claim 22, Delaney an article comprising medium storing instructions that, if requested, enable a first processor-based system (22 fig.1A) to:

set up an on-line meeting with a second processor-based system (20 fig.1A), send data to the second processor-based system (20 fig.1A) related to information on the first processor-based system [Peer Client 20 connected to Peer Client 22 by an local network (14 fig.1A) using quires to determine if any peer client has a particular package and obtaining the desired data package if available, see fig.1A, col.1 lines 17-34 and col.4 line 66 to col.5 line 19].

transmit the information on the first processor-based system to the second processor based system (20 fig.1A) if requested by the second processor-based system (if the Peer Client 22 has the desired data package, then peer client 20 obtain the data package from Peer Client 22, see fig.1B, col.5 lines 19-41).

Delany does not specifically disclose transferring displayed information on a processor system to a remote processor. Maddalozzo in the same network environment discloses transferring

displayed information on a processor system to a remote processor (in Fig.1, a personal computer 40A's user activating the "link" assume personal computer 40A specifies via a URL that the "web page" corresponding to the displayed "link" actually corresponds to a data file resident on computer 62, see fig.1, col.4 lines 15-52 and col.13 lines 5-27). It would have been obvious to one of the ordinary skill in the art at the time the invention was made to implement Maddalozzo's teachings into the computer system of Delaney to view an information request because it would have allowed users to view the requested data file that has been downloaded into a private network from a source external to the private network (see Maddalozzo's col.6 line 59 to col.7 line 12).

5. Claims 5-7, 16, 17, 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over unpatentable over Delaney and Maddalozzo and further in view of Pitts (Hereafter Pitts), U.S. Pat. No.6,205,475.

As to claim 5, although, Delaney does suggest instructions that enables a first processor based system (20 fig.1A) to determine a state of a second based system processor (22 fig.1A) (i.e., using quires to determine if any peer client has a particular package sending quires to other peer clients to determine if any of them has a particular package and obtaining the desired data package if available, see fig.1A, col.4 line 66 to col.5 line 19). Neither Delany nor Maddalozzo specifically discloses flushing the cached information depending on a state of the second processor. However, Pitts in the same Client-Server monitoring network environment discloses instruction flushing the cached information depending on a state of a second processor (42 fig.1)

[i.e., using a CQ_SERVICE Channels (116 of fig.8) on the CQ_SERVICE list have been used recently, and are approaching the point where they will be unable to respond immediately to a request to access data from a client workstation and containing an image of data that has been modified by the client workstation (42 fig.1) may contain dirty file data or metadata that needs to be flushed downstream toward the NDC server terminator site, see figs.1, 8, col.20 lines 7-57 and col.26 lines 4-47). It would have been obvious to one of the ordinary skill in the art at the time the invention was made to implement Pitts' teachings into the computer system of Delaney to monitor activities in a client computer's interface because it would have reduced delay data access times and maintained project images over an extended period of time so that requests by a client can be repeatedly serviced from the initial service of data (see Pitts' col.6 lines 24-49 and col.20 lines 36-57).

As to claim 6, although, Delaney does suggest transferring only needed data packages in a request message (see Delaney's col.11 lines 39-67). Neither Delany nor Maddalozzo specifically discloses flushing the cached information and allowing images to be altered. However, Pitts in the same Client-Server monitoring network environment discloses flushing the cache information and allowing images to be altered [i.e., using a CQ_SERVICE Channels (116 of fig.8) on the CQ_SERVICE list have been used recently, and are approaching the point where they will be unable to respond immediately to a request to access data from the client workstation and containing an image of data that has been modified by the client workstation may contain dirty file data or metadata that needs to be flushed downstream toward the NDC server terminator site, see fig.8, col.20 lines 7-57 and col.26 lines 4-47). It would have been

obvious to one of the ordinary skill in the art at the time the invention was made to implement Pitts' teachings into the computer system of Delaney to monitor activities in a client computer's interface because it would have reduced delay data access times and maintained project images over an extended period of time so that requests by a client can be repeatedly serviced from the initial service of data (see Pitts' col.6 lines 24-49 and col.20 lines 36-57).

As to claim 7, although, Delaney does suggest instructions that enables a first processor based system (20 fig.1A) to send to the second processor (22 fig.1A) a request for information on the state of the second processor concerning its state (22 fig.1A) (i.e., using quires to determine if any peer client has a particular package sending quires to other peer clients to determine if any of them has a particular package and obtaining the desired data package if available, see fig.1A, col.4 line 66 to col.5 line 19). Neither Delany nor Maddalozzo specifically discloses flushing the cached information depending on a state of the second processor. However, Pitts in the same Client-Server monitoring network environment discloses instruction flushing the cached information depending on a state of a second processor (42 fig.1) [i.e., using a CQ_SERVICE Channels (116 of fig.8) on the CQ_SERVICE list have been used recently, and are approaching the point where they will be unable to respond immediately to a request to access data from a client workstation and containing an image of data that has been modified by the client workstation (42 fig.1) may contain dirty file data or metadata that needs to be flushed downstream toward the NDC server terminator site, see figs.1, 8, col.20 lines 7-57 and col.26 lines 4-47). It would have been obvious to one of the ordinary skill in the art at the time the invention was made to implement Pitts' teachings into the computer system of Delaney to

monitor activities in a client computer's interface because it would have reduced delay data access times and maintained project images over an extended period of time so that requests by a client can be repeatedly serviced from the initial service of data (see Pitts' col.6 lines 24-49 and col.20 lines 36-57).

As to claim 16, although, Delaney does suggest instructions that enables the processor based system (20 fig.1A) to send to the second processor (22 fig.1A) a request for information on the state of the remote processor (22 fig.1A) (i.e., using quires to determine if any peer client has a particular package sending quires to other peer clients to determine if any of them has a particular package and obtaining the desired data package if available, see fig.1A, col.4 line 66 to col.5 line 19). Neither Delany nor Maddalozzo specifically discloses flushing the cached information depending on a state of the second processor. However, Pitts in the same Client-Server monitoring network environment discloses instruction flushing the cached information depending on a state of a second processor (42 fig.1) [i.e., using a CQ_SERVICE Channels (116 of fig.8) on the CQ_SERVICE list have been used recently, and are approaching the point where they will be unable to respond immediately to a request to access data from a client workstation and containing an image of data that has been modified by the client workstation (42 fig.1) may contain dirty file data or metadata that needs to be flushed downstream toward the NDC server terminator site, see figs.1, 8, col.20 lines 7-57 and col.26 lines 4-47). It would have been obvious to one of the ordinary skill in the art at the time the invention was made to implement Pitts' teachings into the computer system of Delaney to monitor activities in a client computer's interface because it would have reduced delay data access times and maintained project images

over an extended period of time so that requests by a client can be repeatedly serviced from the initial service of data (see Pitts' col.6 lines 24-49 and col.20 lines 36-57).

As to claim 17, neither Delany nor Maddalozzo specifically discloses specifically disclose flushing the cached information and allowing images to be altered. Although, Delaney does suggest transferring only needed data packages in a request message (see Delaney's col.11 lines 39-67). Neither Delany nor Maddalozzo specifically discloses flushing the cached information and allowing images to be altered. However, Pitts in the same Client-Server monitoring network environment discloses flushing the cache information and allowing images to be altered [i.e., using a CQ_SERVICE Channels (116 of fig.8) on the CQ_SERVICE list have been used recently, and are approaching the point where they will be unable to respond immediately to a request to access data from the client workstation and containing an image of data that has been modified by the client workstation may contain dirty file data or metadata that needs to be flushed downstream toward the NDC server terminator site, see fig.8, col.20 lines 7-57 and col.26 lines 4-47). It would have been obvious to one of the ordinary skill in the art at the time the invention was made to implement Pitts' teachings into the computer system of Delaney to monitor activities in a client computer's interface because it would have reduced delay data access times and maintained project images over an extended period of time so that requests by a client can be repeatedly serviced from the initial service of data (see Pitts' col.6 lines 24-49 and col.20 lines 36-57).

As to claim 23, Delaney discloses storing instructions that enable a first processor-based system (22 fig.1A) to send data to the second processor-based system (20 fig.1A) concerning a state of the processor (i.e., using quires to determine if any peer client has a particular package sending quires to other peer clients to determine if any of them has a particular package and obtaining the desired data package if available, see fig.1A, col.4 line 66 to col.5 line 19). Neither Delany nor Maddalozzo specifically discloses flushing the cached information depending on a state of the second processor. However, Pitts in the same Client-Server monitoring network environment discloses instruction flushing the cached information depending on a state of a second processor (42 fig.1) [i.e., using a CQ_SERVICE Channels (116 of fig.8) on the CQ_SERVICE list have been used recently, and are approaching the point where they will be unable to respond immediately to a request to access data from a client workstation and containing an image of data that has been modified by the client workstation (42 fig.1) may contain dirty file data or metadata that needs to be flushed downstream toward the NDC server terminator site, see figs.1, 8, col.20 lines 7-57 and col.26 lines 4-47). It would have been obvious to one of the ordinary skill in the art at the time the invention was made to implement Pitts' teachings into the computer system of Delaney to monitor activities in a client computer's interface because it would have reduced delay data access times and maintained project images over an extended period of time so that requests by a client can be repeatedly serviced from the initial service of data (see Pitts' col.6 lines 24-49 and col.20 lines 36-57).

(10) Response to Argument

- Appellant asserts that none of the cited references discloses "received first information from the second processor-based system".

Examiner respectfully disagrees. Delaney discloses a distributed client-based data caching system. The invention of Delany enables clients to share data packages among themselves across local network neighborhood (see col.4 lines 17-24). For example, Delaney discloses receiving first information (desired data is available) from the second processor-based system (Peer Client 22 fig.1A) [(client (20 fig.1A) querying peer client (22 fig.1A) if the Peer Client 22 has desired data package including image data; if the peer client (22 fig.1A) has first information (desired data is available), the peer client (20 fig.1A) obtains the data package from Peer Client (22 fig.1A) in the local network (peer clients only), see figs.1A, 1B, abstract, col.1 lines 17-34 and col.5 lines 19-41].

- Appellant further asserts that none of the cited references discloses "the situation where an external processor-based system provides information which the first processor-based system can determine whether it needs to accept the information the second or external processor based system".

*Examiner respectfully disagrees. Firstly, in the claim language (taking claim 1 for example), the Appellant claims the limitation as "<u>the second processor based system</u>", **not** "the*

external processor based system". Therefore, Examiner consider only in the claim language as "the second processor based system".

Secondly, Examiner respectfully points out that the combination of Delaney and Maddalozzo discloses the Appellant's claimed invention "the situation where a processor-based system provides information from which the first processor-based system can determine whether it needs to accept the information the second processor based system". For example, Delaney discloses receiving first information (desired data is available) from the second processor-based system (Peer Client 22 fig.1A) [(client (20 fig.1A) querying peer client (22 fig.1A) if the Peer Client 22 has desired data package including image data; if the peer client (22 fig.1A) has first information (desired data is available), the peer client (20 fig.1A) obtains the data package from Peer Client (22 fig.1A) in the local network (peer clients only), see figs.1A, 1B, abstract, col.1 lines 17-34 and col.5 lines 19-41]. Delaney does not specifically disclose determining if it can locally acquire second information sufficient to display an image. Maddalozzo in the same network environment discloses determining if it can locally acquire second information sufficient to display an image [upon receipt of file after Internet host has downloaded that file from the internet, determining the file type (data or images) and keeping a copy of the file in the common cache locally and then downloading the file from other sources external to the private network when the common cache does not have a requested file, see abstract, figs.5C, 6, col.11 line 42 to col.12 line 58]. It would have been obvious to one of the ordinary skill in the art at the time the invention was made to implement Maddalozzo's teachings into the computer system of Delaney to identify the common cache of the requested data file because it would have allowed users to access the most recent version of the requested data file that has been downloaded into a private

network from a source external to the private network (see Maddalozzo's col.6 line 59 to col.7 line 12). Therefore, the combination of Delany and Maddalozzo discloses the Appellant claimed invention.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

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